



ATTORNEY DOCKET NO.: 0492611-0532 (MIT 9851)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kohane et al.

Examiner:

Serial No.: 10/727,032

Art Unit: 1615

Filing Date: December 2, 2003

Title: Prolonged Suppression of Electrical Activity in Excitable Tissues

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**TRANSMITTAL LETTER**

Enclosed are the following documents:

1. Form PTO-1449 (2 pages);
2. Information Disclosure Statement (6 pages);
3. Cited Art (29); and
4. Return Postcard

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,

  
\_\_\_\_\_  
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Dated: 4/9/04

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kohane *et al.* Examiner:  
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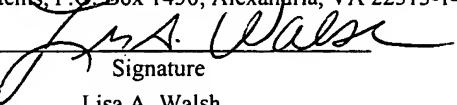
**STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant  
requests consideration of this Information Disclosure Statement.

**Type of Statement**

The present Information Disclosure Statement is:

An *original* Information Disclosure Statement; or  
 A *supplemental* Information Disclosure Statement.

|   |  |
|---|--|
| <b>Certificate of Mailing</b>   |  |
| I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |  |
| 4/9/04<br>Date  | <br>Signature<br>Lisa A. Walsh |
| Typed or Printed Name of person signing certificate   |  |

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

Pursuant to 37 CFR § 1.97(b); no fee or certification is required:

Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);

Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;

Before the mailing of a first Office action on the merits; or

Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.

Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:

Certifies that *either*:

each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the

knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.; or

- Includes herewith the fee set forth in § 1.17(p).
- Pursuant to 37 CFR § 1.97(d), after the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:
  - Certifies that *either*:
    - each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
  - That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.; and

Includes herewith the fee set forth in § 1.17(p).

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

A copy of each cited reference not indicated with an asterisk is included;

Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

| Serial Number | Filing Date | Status |
|---------------|-------------|--------|
|               |             |        |

Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

Does not contain non-English language citations;

Does contain non-English language citations, of which the following is a concise

explanation:

Includes one or more translations of a non-English citation.

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in **§ 1.56(b)** .

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,

Dated: 4/9/04

  
C. Hunter Baker, M.D., Ph.D.

Reg. No.: 46,533

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Atty. Docket:  
0492611-0532  
(MIT 9851)In re Application No.  
10/727,032INFORMATION DISCLOSURE STATEMENT  
(Use several sheets if necessary)

Applicant: Kohane, et al..

Filing Date:  
December 2, 2003Group:  
1615

## U.S. PATENT DOCUMENTS

| Examiner's Initials | U.S. Patent No. | Applicant      | Issue Date        | Class | Subclass |
|---------------------|-----------------|----------------|-------------------|-------|----------|
|                     | 6,326,020       | Kohane et al   | December 4, 2001  | 424   | 426      |
|                     | 5,985,309       | Edwards et al. | November 16, 1999 | 424   | 426      |

## U.S. PATENT APPLICATIONS

| Examiner's Initials: | Publication No: | Applicant:    | Publication Date: | Group: | Art Unit: |
|----------------------|-----------------|---------------|-------------------|--------|-----------|
| .                    | 2002/0150626    | Kohane et al. | October 17, 2002  | 424    | 493       |
|                      | 2002/0150621    | Kohane et al. | October 17, 2002  | 424    | 486       |

## FOREIGN PATENT DOCUMENTS

| Examiner's Initials | Document No. | Country | Date          | Translation |    |
|---------------------|--------------|---------|---------------|-------------|----|
|                     |              |         |               | Yes         | No |
|                     | WO 96/09814  | PCT     | 04 April 1996 |             |    |

## OTHER DOCUMENTS

| Examiner's Initials | Citation (Including Author, Title, Date, Pertinent Pages, Etc.)   |
|---------------------|---|
|                     | Cavalheiro, et al., "Intracerebral Cholinomimetics Produce Seizure-Related Brain Damage in Rats", <i>Brit. J. Pharmacol.</i> 79: 284P, 1983.                              |
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|                     | Cotton, et al., "Receptor-Mediated Transport of DNA into Eukaryotic Cells", <i>Methods Enzym.</i> 217: 618-644 1993.  |
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|                     | Hauser, et al., "The Epidemiology of Epilepsy in Rochester, Minnesota, 1935 Through 1967", <i>Epilepsia</i> , 16: 1-66, 1975.   |

APR 12 2004

INFORMATION DISCLOSURE STATEMENT  
(Use several pages if necessary)

|                            |                       |
|----------------------------|-----------------------|
| Atty. Docket:              | In re Application No. |
| 0492611-0532<br>(MIT 9851) | 10/727,032            |
| Applicant: Kohane, et al.. |                       |
| Filing Date:               | Group:                |
| December 2, 2003           | 1615                  |

|   |
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| Hauser, "Status Epilepticus: Epidemiologic Considerations" <i>Neurology</i> , <b>40</b> (2): 9-13, 1990.  |
| Holmes, et al., "Consequences of Neonatal Seizures in the Rat: Morphological and Behavioral Effects", <i>Ann. Neurol.</i> <b>44</b> : 845-857, 1998.  |
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| Swann, et al., "Major System Toxicities and Side Effects of Anticonvulsants" <i>J. Clin. Psychiatry</i> , <b>62</b> : 16-21, 2001.  |
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| Turski, et al., "Review: Cholinergic Mechanisms and Epileptogenesis. The Seizures Induced by Pilocarpine: A Novel Experimental Model of Intractable Epilepsy", <i>Synapse</i> , <b>3</b> : 154-171, 1989. |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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